



# Town of Groton, Connecticut

## Meeting Minutes

### Town Council Committee of the Whole

45 Fort Hill Road  
Groton, CT 06340-4394  
Town Clerk 860-441-6640  
Town Manager  
860-441-6630

**Mayor James L. Streeter, Councilors Bruce S. Flax, Bill Johnson, Catherine Kolnaski, Deborah B. Monteiro, Frank O'Beirne, Jr., Deborah L. Peruzzotti, Paulann H. Sheets, and Harry A. Watson**

**Tuesday, May 4, 2010**

**6:30 PM**

**Town Hall Annex - Community Room 1**

#### **SPECIAL MEETING**

#### **1. CALL TO ORDER**

*Mayor Streeter called the meeting to order at 6:32 p.m.*

#### **2. ROLL CALL**

Members Present: Mayor Streeter, Councilor Flax, Councilor Johnson, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Sheets and Councilor Watson

Members Absent: Councilor Monteiro and Councilor Peruzzotti

*Also present was Town Manager Mark Oefinger.*

*Mayor Streeter indicated that due to the subject matter on the agenda, he would recuse himself and leave the room. A motion was made by Councilor Watson, seconded by Councilor Kolnaski, to elect Councilor Flax Chairman Pro-Tem. The motion carried unanimously.*

#### **3. NEW BUSINESS**

**2009-0254**

##### **Town Historian**

##### **Recommended for a Resolution**

*The Town Manager gave a brief overview of the issue and noted that last fall, Carol Kimball, the Town's long-standing Town Historian, indicated her desire to step down from the position due to health and personal issues. Initially the Town Council directed staff to begin a solicitation for a new Town Historian including placement of a block ad in the newspaper. Shortly thereafter, an inquiry was made as to the feasibility of either a current or future Town Councilor serving as Town Historian. As a result of the inquiry, the Town Attorney was consulted and the solicitation process put on hold until further review. Town Attorney Carey provided an opinion letter dated December 18, 2009 concerning Charter Section 3.5.2/Prohibition of Dual Office Holding/Holding Multiple Offices. The Council reviewed this item upon receipt and had a number of questions for the Town Attorney and asked that he be invited in after the Town Council finished its deliberations on the FYE 2011 budget. When the Council had previously reviewed the Town Attorney's opinion, they had a number of questions which specifically dealt with whether or not the Town Historian was an agency, board or commission (ABC) as defined and/or envisioned in the new Town Charter. The Town Manager indicated that he and the Town Attorney have discussed this item briefly on a number of occasions prior to tonight's meeting.*

*Attorney Carey briefly reviewed the highlights of his December 18th memo and indicated that recently he has had some additional thoughts that he would like to share with the Council that may or may not impact his initial opinion. He reminded the Council that the new Charter provides very little language with respect to the various boards and commissions that the Town has. He indicated that the Charter makes specific reference to a commission guidebook which was to replace putting a lot of documentation concerning the duties and responsibilities of the various commissions in the Town Charter. Attorney Carey indicated that this is the "first look" at this issue, under the new Charter. As such the Council may have some latitude with respect to defining how they perceive the Town Historian position, either as an ABC or not as an ABC. The legal principle involved is called "Case of First Impression." If the Council ultimately decides to*

*appoint a currently elected or appointed person to this position, it would have the ability to do so by going on record and noting that the Town Historian position is not, in their opinion, an agency, board or commission and therefore should not be included in the guidebook and would not be subject to the prohibition of Section 3.5.2 of the new Town Charter.*

*Councilor O'Beirne noted that he was very much involved in the Town Charter revision process and that he essentially authored the ABC section of the Charter. He indicated that there was no intent one way or the other to recognize the position as either an ABC or not. He indicated that in his opinion the Town Historian position is purely an honorary one to the benefit of the Town, and that the person appointed should be done so in recognition of their expertise in Groton history. The position comes with no pay; has no authority to commit the Town to any action; has no decision-making authority; no budget or expenses; and has no staffing implications. Discussion followed and it was noted that the position as described by Councilor O'Beirne is essentially how the position has operated for the many years that it has been held by Ms. Kimball. It was noted that in other towns, other arrangements, responsibilities and authorities may be assigned to the position, but at this point in time, none are envisioned with respect to the Groton Town Historian.*

**A motion was made by Councilor Watson, seconded by Councilor O'Beirne, Jr., to Recommend for Resolution a declaration from the Town Council that the Town Historian position is not an agency, board, or commission, as outlined in the Town Charter, and that staff be authorized to begin an active solicitation of Town Historian candidates.**

**The motion carried by the following vote:**

**Votes:** In Favor: 6 - Councilor Flax, Councilor Johnson, Councilor Kolnaski, Councilor O'Beirne, Jr., Councilor Sheets and Councilor Watson  
Non-voting: 1 - Mayor Streeter

#### **4. ADJOURNMENT**

*The meeting was adjourned at 6:58 p.m.*